



General Assembly

February Session, 2002

Amendment

LCO No. 4982

HB0552104982HD0

Offered by:

REP. GREEN, 1st Dist.
REP. HYSLOP, 39th Dist.
REP. DIAMANTIS, 79th Dist.
REP. RACZKA, 100th Dist.
REP. REINOSO, 130th Dist.
REP. SPALLONE, 36th Dist.
REP. HAMM, 34th Dist.
REP. CURREY, 10th Dist.
REP. O'CONNOR, 35th Dist.
REP. PAWELKIEWICZ, 49th Dist.
REP. ABRAMS, 83rd Dist.
REP. MURPHY, 81st Dist.

REP. DILLON, 92nd Dist.
REP. GONZALEZ, 3rd Dist.
REP. CARTER, 7th Dist.
REP. SHARKEY, 103rd Dist.
REP. STONE, 9th Dist.
REP. DONOVAN, 84th Dist.
REP. DEMARINIS, 40th Dist.
REP. GERRATANA, 23rd Dist.
REP. CARUSO, 126th Dist.
REP. URBAN, 43rd Dist.
REP. WILLIS, 64th Dist.
REP. WALKER, 93rd Dist.

To: House Bill No. 5521

File No. 408

Cal. No. 246

(As Amended)

"AN ACT CONCERNING SEARCH WARRANTS."

1 Strike section 4 in its entirety and insert the following in lieu thereof:

2 "Sec. 4. (NEW) (*Effective October 1, 2002, and in effect until October 1,*
3 *2004*) (a) A prosecuting official who seeks to issue a subpoena under
4 section 3 of this act shall submit an application to a judge of the
5 Superior Court. Such application shall include an affidavit sworn to by

6 such prosecuting official stating:

7 (1) That such official has probable cause to believe that a class A or B
8 felony has been committed, and accompanied by a full and complete
9 statement of all the facts and circumstances relied upon by the affiant;

10 (2) That such official has probable cause to believe that the person to
11 be summoned to appear and give testimony or produce property has
12 information relevant and necessary to the investigation concerning the
13 alleged commission of a class A or B felony, and accompanied by a full
14 and complete statement of all the facts and circumstances relied upon
15 by the affiant;

16 (3) That such official has probable cause to believe that the
17 appearance and testimony of such person or the production of
18 property by such person would not occur or be available without the
19 issuance of a subpoena, and accompanied by a full and complete
20 statement of all the facts and circumstances relied upon by the affiant;

21 (4) That such official has made reasonable efforts to secure such
22 appearance, testimony and property without recourse to a subpoena
23 and those efforts have been unsuccessful; and

24 (5) The full and complete facts and circumstances of any prior
25 application for an investigative subpoena.

26 (b) If the judge finds that the provisions of subsection (a) of this
27 section have been satisfied, such judge may grant the application for
28 the issuance of a subpoena by such prosecuting official."